
HOUSE BILL 2552

State of Washington

60th Legislature

2008 Regular Session

By Representatives Dickerson, Appleton, Roberts, Wood, Kenney, Kagi, and Darneille

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1 AN ACT Relating to parental consent to mental health treatment for
2 minors; amending RCW 71.34.530 and 71.34.500; creating new sections;
3 repealing RCW 71.34.600, 71.34.610, 71.34.620, 71.34.630, 71.34.640,
4 71.34.650, and 71.34.660; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 71.34.530 and 2006 c 93 s 4 are each amended to read
7 as follows:

8 (1) Any minor thirteen years or older may request and receive
9 outpatient treatment without the consent of the minor's parent.
10 Parental authorization, or authorization from a person who may consent
11 on behalf of the minor pursuant to RCW 7.70.065, is required for
12 outpatient treatment of a minor under the age of thirteen.

13 (2)(a) The parent or legal guardian of a minor may consent to
14 voluntary outpatient treatment on behalf of the minor on the
15 recommendation of a psychiatrist, psychologist, or other licensed
16 mental health professional, as defined in RCW 71.34.020, who has
17 significant experience in the treatment of children with mental
18 disorders and has examined the minor. The minor's consent is not
19 necessary.

1 (b) At the beginning of outpatient treatment under (a) of this
2 subsection, the treatment provider or the treatment provider's designee
3 shall provide the minor with an explanation of the nature of the mental
4 health treatment in which the minor may be involved together with a
5 statement of the minor's rights, including the right to object to
6 treatment by filing a petition with the superior court of the county in
7 which the treatment provider is located. If the minor wishes to
8 exercise this right, the treatment provider or the treatment provider's
9 designee shall provide a form for the minor to petition for
10 modification or withdrawal from treatment. The treatment provider
11 shall provide the form within twenty-four hours of the minor's request
12 for the form, shall offer assistance to the minor in preparing the
13 petition, and, upon request of the minor, provide such assistance. The
14 treatment provider or treatment provider's designee shall file the
15 signed petition with the court within two business days of receipt of
16 the signed petition from the minor. The treatment provider shall not
17 alter the signed petition in any manner. The superior court shall
18 waive any filing fee associated with a petition filed under this
19 subsection.

20 (c) Prior to initiating outpatient treatment of a minor under this
21 subsection (2), a psychiatrist or psychologist with significant
22 experience in the treatment of minors with mental disorders must
23 conduct a complete assessment of the minor and the minor's family,
24 which shall become a part of the minor's treatment record and be made
25 available to the court if the minor petitions for withdrawal or
26 modification of treatment under (d) of this subsection. The assessment
27 shall include an assessment of whether the minor has a mental disorder
28 for which outpatient treatment is a medical necessity, the relationship
29 between the minor and his or her parents, and any other factors
30 relevant to the ability to meet the minor's need for treatment.

31 (d) Any minor who has been assessed for outpatient treatment on the
32 consent of a parent or legal guardian under this subsection (2) and who
33 objects to continued outpatient treatment may file a petition in
34 superior court requesting a withdrawal from or modification of
35 treatment. The court shall promptly appoint an attorney for the minor
36 and schedule a hearing to be held within seventy-two hours following
37 the filing of the petition, unless continued upon the request of the
38 attorney for the minor. The hearing shall be conducted by a judicial

1 officer who shall determine whether or not the voluntary outpatient
2 mental health treatment is a medical necessity. For outpatient
3 treatment to continue against the minor's wishes, the court must find
4 all of the following by a preponderance of the evidence:

5 (i) That the minor has a diagnosed mental disorder or is in need of
6 an evaluation to determine whether the minor has a mental disorder;

7 (ii) That it is a medical necessity that the minor receive
8 outpatient mental health treatment; and

9 (iii) That the disorder can be adequately treated by the proposed
10 treatment provider.

11 (e) A minor ordered to undergo treatment due to a determination
12 under (d) of this subsection shall receive outpatient treatment at the
13 treatment setting designated by the court for a period of up to thirty
14 days. The minor shall be discharged from treatment whenever the
15 minor's treatment provider determines that the minor no longer is in
16 need of outpatient treatment, consent to treatment has been revoked
17 under subsection (4)(a) of this section, or at the end of the time
18 period of the order, whichever occurs first. If the minor's treatment
19 provider determines continued outpatient treatment will be necessary at
20 the end of the time period of the order and the minor does not consent
21 to continued outpatient treatment prior to the end of the time period
22 of the order, the court shall conduct a review hearing in accordance
23 with this subsection to determine whether to:

24 (i) Release the minor; or

25 (ii) Make a subsequent order for outpatient mental health treatment
26 for a period not to exceed sixty days subject to discharge of the minor
27 whenever the minor's treatment provider determines that the minor no
28 longer is in need of treatment, or if consent has been revoked under
29 subsection (4)(a) of this section.

30 (f) The total period of outpatient treatment ordered under this
31 section may not exceed ninety days from the date outpatient treatment
32 was initiated.

33 (g) A person who has legal custody or court-ordered residential
34 time with a minor may object to the consent for outpatient treatment of
35 the minor given by a parent who does not have legal custody by filing
36 a petition with the court. However, a parent may not file a petition
37 objecting to the consent for outpatient treatment of the minor under

1 this section if the person consenting to the outpatient treatment has
2 been given sole authority to consent to all medical decisions for the
3 minor under a court order.

4 (h) Nothing in this section shall be construed as restricting or
5 altering a minor's existing rights to consent to voluntary outpatient
6 mental health treatment on his or her own behalf at thirteen years of
7 age or older, or a parent's ability to consent to outpatient mental
8 health treatment on behalf of a minor who is younger than thirteen
9 years of age.

10 (3) A minor may not abrogate consent provided by a parent or legal
11 guardian on the minor's behalf, nor may a parent or legal guardian
12 abrogate consent given by the minor on his or her own behalf.

13 (4)(a) A parent or legal guardian who has provided consent to
14 outpatient treatment under subsection (2) of this section may revoke
15 that consent. The parental revocation shall be effective unless the
16 minor who is thirteen years of age or older has provided consent for
17 continued outpatient treatment.

18 (b) A minor who is thirteen years of age or older who has provided
19 consent to outpatient treatment may revoke that consent. The minor's
20 revocation shall be effective unless the parent or legal guardian to
21 the minor has provided for continued treatment under subsection (2) of
22 this section.

23 **Sec. 2.** RCW 71.34.500 and 2006 c 93 s 3 are each amended to read
24 as follows:

25 (1)(a) A minor thirteen years or older may admit himself or herself
26 to an evaluation and treatment facility for inpatient mental treatment,
27 without parental consent. The admission shall occur only if the
28 professional person in charge of the facility concurs with the need for
29 inpatient treatment. Parental authorization, or authorization from a
30 person who may consent on behalf of the minor pursuant to RCW 7.70.065,
31 is required for inpatient treatment of a minor under the age of
32 thirteen.

33 ~~((+2))~~ (b) When, in the judgment of the professional person in
34 charge of an evaluation and treatment facility, there is reason to
35 believe that a minor is in need of inpatient treatment because of a
36 mental disorder, and the facility provides the type of evaluation and

1 treatment needed by the minor, and it is not feasible to treat the
2 minor in any less restrictive setting or the minor's home, the minor
3 may be admitted to an evaluation and treatment facility.

4 ~~((3))~~ (c) Written renewal of voluntary consent must be obtained
5 from the applicant no less than once every twelve months. The minor's
6 need for continued inpatient treatments shall be reviewed and
7 documented no less than every one hundred eighty days.

8 (2)(a) The parent or legal guardian of a minor who is thirteen
9 years of age or older may consent to voluntary inpatient treatment on
10 behalf of the minor on the recommendation of a psychiatrist,
11 psychologist, or other licensed mental health professional, as defined
12 in RCW 71.34.020, who has significant experience in the treatment of
13 children with mental disorders and has examined the minor. The minor's
14 consent is not necessary.

15 (b) At the time of admission under (a) of this subsection, the
16 professional person in charge of the facility or the professional
17 person's designee shall provide the minor with an explanation of the
18 nature of the mental health treatment in which the minor may be
19 involved together with a statement of the minor's rights, including the
20 right to object to treatment by filing a petition with the superior
21 court of the county in which the facility is located. If the minor
22 wishes to exercise this right, the professional person in charge of the
23 facility or the professional person's designee shall provide a form for
24 the minor to petition for modification or withdrawal from treatment
25 within twenty-four hours of the minor's request for the form, shall
26 offer assistance to the minor in preparing the petition, and, upon
27 request of the minor, provide such assistance. The professional person
28 in charge of the facility or the professional person's designee shall
29 file the signed petition with the court within two business days of
30 receipt of the signed petition from the minor. The treatment provider
31 shall not alter the signed petition in any manner. The superior court
32 shall waive any filing fee associated with a petition filed under this
33 subsection.

34 (c) Within forty-eight hours of admission of a minor under this
35 subsection (2), a psychiatrist or psychologist with significant
36 experience in the treatment of minors with mental disorders must
37 conduct a complete assessment of the minor and the minor's family,
38 which shall become a part of the minor's treatment record and be made

1 available to the court if the minor petitions for withdrawal or
2 modification of treatment under (d) of this subsection. The assessment
3 shall include an assessment of whether the minor has a mental disorder
4 for which inpatient treatment is a medical necessity, whether treatment
5 can be appropriately provided in a less restrictive outpatient
6 environment, the relationship between the minor and his or her parents,
7 and any other factors relevant to the ability to meet the minor's need
8 for treatment.

9 (d) Any minor who has been confined for inpatient treatment on the
10 consent of a parent or legal guardian under this subsection (2) and who
11 objects to continued inpatient treatment may file a petition in
12 superior court requesting a withdrawal from or modification of
13 treatment. The court shall promptly appoint an attorney for the minor
14 and schedule a hearing to be held within seventy-two hours following
15 the filing of the petition, unless continued upon the request of the
16 attorney for the minor. A request for a continuance by the minor's
17 attorney may not exceed an additional seventy-two hours. The hearing
18 shall be conducted by a judicial officer who shall determine whether or
19 not the voluntary inpatient mental health treatment is a medical
20 necessity. For inpatient treatment to continue against the minor's
21 wishes, the court must find all of the following by a preponderance of
22 the evidence:

23 (i) That the minor has a diagnosed mental disorder or is in need of
24 an evaluation to determine whether the minor has a mental disorder;

25 (ii) That it is a medical necessity that the minor receive
26 inpatient mental health treatment; and

27 (iii) That the disorder can be treated in the particular facility
28 where the treatment is taking place.

29 (e) A minor ordered to undergo treatment due to a determination
30 under (d) of this subsection shall remain and receive inpatient
31 treatment at the treatment setting designated by the court for a period
32 of up to thirty days. The minor shall be discharged whenever the
33 attending physician determines that the minor no longer is in need of
34 inpatient treatment, consent to treatment has been revoked under
35 subsection (4)(a) of this section, or at the end of the time period of
36 the order, whichever occurs first. If the attending physician
37 determines continued inpatient treatment will be necessary at the end
38 of the time period of the order and the minor does not consent to

1 continued inpatient treatment prior to the end of the time period of
2 the order, the court shall conduct a review hearing in accordance with
3 this subsection to determine whether to:

4 (i) Release the minor; or

5 (ii) Make a subsequent order for inpatient mental health treatment
6 for a period not to exceed sixty days subject to discharge of the minor
7 whenever the attending physician determines that the minor no longer is
8 in need of treatment, or if consent has been revoked under subsection
9 (4)(a) of this section.

10 (f) The total period of inpatient treatment ordered under this
11 section shall not exceed ninety days from the date of the minor's
12 admission to the facility. The professional person in charge or his or
13 her designee shall ensure that a discharge plan is provided for each
14 minor discharged from the facility. The discharge plan shall address
15 the minor's continued need for treatment, referrals to appropriate
16 services for the minor and his or her parents, and services needed to
17 facilitate the minor's successful transition back into school, family
18 life, and other activities.

19 (g) A person who has legal custody or court-ordered residential
20 time with a minor may object to the consent for inpatient treatment of
21 the minor given by a parent who does not have legal custody by filing
22 a petition with the court. However, a parent may not file a petition
23 objecting to the consent for inpatient treatment of the minor under
24 this section if the person consenting to the inpatient treatment has
25 been given sole authority to consent to all medical decisions for the
26 child under a court order.

27 (h) Nothing in this section shall be construed as restricting or
28 altering a minor's existing rights to consent to voluntary inpatient
29 mental health treatment on his or her own behalf at thirteen years of
30 age or older, or a parent's ability to consent to inpatient mental
31 health treatment on behalf of a minor who is younger than thirteen
32 years of age.

33 (3) A minor may not abrogate consent provided by a parent or legal
34 guardian on the minor's behalf, nor may a parent or legal guardian
35 abrogate consent given by the minor on his or her own behalf.

36 (4)(a) A parent or legal guardian who has provided consent to
37 inpatient treatment under subsection (2) of this section may revoke

1 that consent. The parental revocation shall be effective unless the
2 minor who is thirteen years of age or older has provided consent for
3 continued inpatient treatment.

4 (b) A minor who is thirteen years of age or older who has provided
5 consent to inpatient treatment may revoke that consent. The minor's
6 revocation shall be effective unless the parent or legal guardian to
7 the minor has provided for continued treatment under subsection (2) of
8 this section.

9
10 NEW SECTION. Sec. 3. The administrative office of the courts, in
11 consultation with the department of social and health services and
12 other interested organizations, shall develop standard forms for the
13 statement of the minor's rights and the petition to request withdrawal
14 from or modification of mental health treatment provided to minors
15 under RCW 71.34.530 and 71.34.500. The statement and forms shall be
16 designed to be readily understood and completed by a minor thirteen to
17 seventeen years of age.

18 NEW SECTION. Sec. 4. This act shall take effect January 1, 2010.

19 NEW SECTION. Sec. 5. The following acts or parts of acts are each
20 repealed:

21 (1) RCW 71.34.600 (Parent may request determination whether minor
22 has mental disorder requiring inpatient treatment--Minor consent not
23 required--Duties and obligations of professional person and facility)
24 and 2007 c 375 s 11, 2005 c 371 s 4, & 1998 c 296 s 17;

25 (2) RCW 71.34.610 (Review of admission and inpatient treatment of
26 minors--Determination of medical necessity--Department review--Minor
27 declines necessary treatment--At-risk youth petition--Costs--Public
28 funds) and 1998 c 296 s 9 & 1995 c 312 s 56;

29 (3) RCW 71.34.620 (Minor may petition court for release from
30 facility) and 1998 c 296 s 19;

31 (4) RCW 71.34.630 (Minor not released by petition under RCW
32 71.34.620--Release within thirty days--Professional may initiate
33 proceedings to stop release) and 1998 c 296 s 20;

34 (5) RCW 71.34.640 (Evaluation of treatment of minors) and 1996 c
35 133 s 36 & 1995 c 312 s 58;

1 (6) RCW 71.34.650 (Parent may request determination whether minor
2 has mental disorder requiring outpatient treatment--Consent of minor
3 not required--Discharge of minor) and 1998 c 296 s 18; and

4 (7) RCW 71.34.660 (Limitation on liability for admitting or
5 accepting minor child) and 2005 c 371 s 3.

6 NEW SECTION. **Sec. 6.** The code reviser shall replace the
7 subheading of "Minor-Initiated Treatment" with "Voluntary Treatment" in
8 chapter 71.34 RCW and shall remove the subheading "Parent-Initiated
9 Treatment" in chapter 71.34 RCW.

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